

**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR § 1.53(b))

Attorney Docket No.	4002-3441
First Inventor	Bianchi
Title	OPEN INTERVERTEBRAL SPACER
Express Mail Label No.	EL 984271089 US

PTO  
U.S.P.T.O.  
10/699175  
103103**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents

**ADDRESS TO:**  
 Mail Stop Patent Application  
 Commissioner for Patents  
 PO Box 1450  
 Alexandria, VA 22313-1450

1.  Fee Transmittal Form (e.g., PTO/SB/17)  
*(Submit an original and a duplicate for fee processing)*
2.  Applicant claims small entity status.  
*See 37 CFR 1.27.*
3.  Specification [Total Pages **44**]  
*(preferred arrangement set forth below)*  
 - Descriptive title of the Invention  
 - Cross References to Related Applications  
 - Statement Regarding Fed sponsored R & D  
 - Reference sequence listing, a table, or a computer program listing appendix  
 - Background of the Invention  
 - Brief Summary of the Invention  
 - Brief Description of the Drawings (*if filed*)  
 - Detailed Description  
 - Claim(s)  
 - Abstract of the Disclosure
4.  Drawing(s) (35 U.S.C. 113) [Total Pages **21**]  
 Formal  Informal
5. Oath or Declaration [Total Pages **4**]  
 a.  Newly executed (original or copy)  
 b.  Copy from a prior application (37 C.F.R. § 1.63(d))  
*(for continuation/divisional with Box 18 completed)*  
 i.  DELETION OF INVENTOR(S)  
 Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).
6.  Application Data Sheet. See 37 CFR 1.76

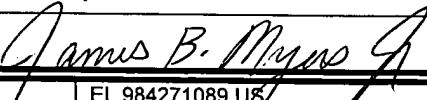
7.  CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8.  Nucleotide and/or Amino Acid Sequence Submission (*if applicable, all necessary*)  
 a.  Computer Readable Form (CRF)  
 b. Specification Sequence Listing on:  
 i.  CD-ROM or CD-R (2 copies); or  
 ii.  paper  
 c.  Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9.  Assignment Papers (cover sheet & document(s))
10.  37 C.F.R. § 3.73(b) Statement  Power of Attorney  
*(when there is an assignee)*
11.  English Translation Document (*if applicable*)
12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations
13.  Preliminary Amendment
14.  Return Receipt Postcard (MPEP 503)  
*(Should be specifically itemized)*
15.  Certified Copy of Priority Document(s)  
*(if foreign priority is claimed)*
16.  Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i).  
 Applicant must attach form PTO/SB/35 or its equivalent.
17.  Other: \_\_\_\_\_

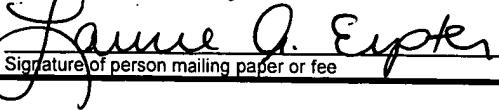
18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation  Divisional  Continuation-in-part (CIP) of prior application No: 10/035,074, 09/453,787, and 08/867,963 (now 6,033,438)
Prior application information: Examiner: Jackson Group / Art Unit: 3738For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.**19. CORRESPONDENCE ADDRESS**

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	<b>30565</b>			or	<input type="checkbox"/> Correspondence address below
Name	Woodard, Emhardt, Moriarty, McNett & Henry LLP				
Address	Bank One Center/Tower 111 Monument Circle, Suite 3700				
City	Indianapolis	State	IN	Zip Code	46204-5137
Country	USA	Telephone	(317) 634-3456		Fax (317) 637-7561
Name (Print/Type)	James B. Myers, Jr.			Registration No. (Attorney/Agent)	42,021
Signature				Date	October 31, 2003

Express Mail Label No. EL 984271089 US Date of Deposit October 31, 2003

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR Section 1.10 on the date indicated above and is addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

  
Signature of person mailing paper or fee

*Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.*

S. PTO

# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		
TOTAL AMOUNT OF PAYMENT	(\$)	1,606.00

Complete if Known	
Application Number	
Filing Date	October 31, 2003
First Named Inventor	Bianchi
Examiner Name	
Art Unit	
Attorney Docket No.	4002-3441

## METHOD OF PAYMENT (check all that apply)

Check     Credit Card     Money Order     Other     None

 Deposit Account:

Deposit Account Number **23-3030**

Deposit Account Name **Woodard, Emhardt, Moriarty, McNett & Henry LLP**

The Commissioner is authorized to: (check all that apply)

- Charge any fee(s) indicated below     Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application excluding the payment of issue fees  
 Charge fee(s) indicated below, except for the filing fee, to the above-identified deposit account

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Paid	
Fee Code	Fee (\$)	Fee Code (\$)	
1051	130	2051	65
1052	50	2052	25
1053	130	1053	130
1812	2,520	1812	2,520
1804	*920	1804	*920
1805	*1,840	1805	*1,840
1251	110	2251	55
1252	420	2252	210
1253	950	2253	475
1254	1,480	2254	740
1255	2,010	2255	1,005
1401	330	2401	165
1402	330	2402	165
1403	290	2403	145
1451	1,510	1451	1,510
1452	110	2452	55
1453	1,330	2453	665
1501	1,330	2501	665
1502	480	2502	240
1503	640	2503	320
1460	130	1460	130
1807	50	1807	50
1806	180	1806	180
8021	40	8021	40
1809	770	2809	385
1810	770	2810	385
1801	770	2801	385
1802	900	1802	900
Other Fee (specify)			
SUBTOTAL 3. (\$)		80.00	

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity				
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	770.00
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL 1. (\$)		770.00			

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

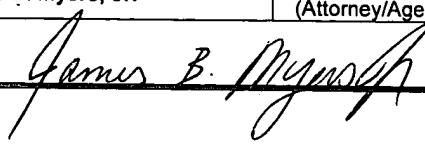
Total Claims	62	-20**=	42	X	18.00	=	756.00
Independent Claims	3	-3**=	0	X		=	0.00
Multiple Dependent Claim						=	0.00

Large Entity	Small Entity			
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent
SUBTOTAL 2. (\$)		756.00		

\*\*or number previously paid, if greater; For Reissues, see above

\*Reduced by Basic Filing Fee Paid

## SUBMITTED BY

Name (Print/Type)	James B. Myers, Jr.	Registration No. (Attorney/Agent)	42,021	Telephone	(317) 634-3456
Signature				Date	October 31, 2003